

REMARKS

Applicants appreciate the thorough examination of the present application as evidenced by the final Office Action of August 3, 2007 (hereinafter "Office Action"). Applicants also appreciate the courtesy extended by Examiner Jackson to Applicants' representative during the telephone Interview of September 10, 2007. In response, Applicants have amended independent Claim 20 to include the recitations of dependent Claims 21 and 22, which have been canceled. Also, Claim 39 has been amended to recite a "mobile phone handset" and "a speech generating device built into the mobile phone handset", as described in the present specification, for example, at Page 5, lines 17-19. Claim 19 has been similarly amended to clarify that "the display and the control unit are built into the apparatus", as shown, for example, in Figure 4 of the present specification. No new matter has been added.

Accordingly, Applicants hereby request entry of the present Amendment and further consideration of the pending claims in view of the comments that follow.

Interview Summary

Applicants wish to thank the Examiner for discussing the pending claims with Applicants' representative on September 10, 2007. During the interview, Applicants' representative discussed the propriety of the finality of the Office Action; however, no agreement was reached. Applicants respectfully submit that the above constitutes a complete interview summary pursuant to MPEP §713.04.

The Finality of the Present Action is Improper

The Office Action finally rejects the pending claims by introducing new grounds of rejection based on newly cited U.S. Patent No. 7,043,436 to Ryu (hereinafter "Ryu") and newly cited U.S. Patent No. 6,226,615 to Kirby et al. (hereinafter "Kirby"). *See* Office Action, Pages 4 and 5. However, Applicants submit that the final rejection of the pending claims is improper, and therefore respectfully request that the Examiner withdraw the finality of the Office Action.

In particular, Applicants respectfully submit that several of the pending claims have

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not been amended, yet have been rejected based on the newly cited art, in contrast with the requirements of Section 706.07(a) of the MPEP:

[A] second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 C.F.R. 1.97(c) with the fee set forth in 37 C.F.R. 1.17(p), **of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended** to require newly cited art.

MPEP § 706.07(a) (*emphasis added*). For example, Claims 20-35 and 37 were not amended in Applicants' previous response of July 25, 2007 (nor in Applicants' earlier Amendment of February 27, 2007), but have been rejected on new grounds based on Kirby. Likewise, Claim 39 was not amended Applicants' previous response, but stands rejected on new grounds based on Ryu. Thus, Applicants submit that the new grounds of rejection based on Kirby and Ryu were not necessitated by amendments to Claims 20-35, 37, and/or 39. Indeed, Applicants note that *none* of the pending claims were amended in Applicants' previous response of July 25, 2007. Accordingly, as Applicants have not had a fair opportunity to argue the patentability of the claims with reference to Kirby and/or Ryu until the present response, Applicants respectfully request the withdrawal of the finality of the present Office Action.

Applicants' Claim for Priority

The Office Action acknowledges Applicants' claim for foreign priority based on European Applications 02445177.5 (filed December 16, 2002) and 03011580.2 (filed May 22, 2003), and U.S. Provisional Patent Application 60/474,025 (filed May 29, 2003), but contends that the Applicants have not filed certified copies of these applications as required by 35 USC §119(b). *See* Office Action, Page 2.

In response, as the present application is a national phase application based on International Application No. PCT/EP03/12879, Applicants have requested certified copies of these documents from the foreign associate who filed the corresponding international application. Accordingly, Applicants will file these documents with the USPTO in a Supplemental Response immediately upon receipt thereof.

Independent Claim 39 Is Patentable Over Ryu

Independent Claim 39 stands rejected under 35 USC §102(e) as being anticipated by Ryu. Amended Claim 39 recites:

39. **A mobile phone handset, comprising:**
a display configured to display various readable data;
a speaker;
a speech generating device built into the mobile phone handset
including a conversion circuit therein configured to convert received data to a speech signal and provide the speech signal to the speaker; and
a control unit configured to extract at least a part of the displayed data and send the extracted part of the displayed data to the speech generating device.

The Office Action asserts that Ryu discloses all of the recitations of Claim 39. *See* Office Action, page 4.

Applicants respectfully disagree, as the cited portions of Ryu fail to disclose or suggest a "mobile phone handset" including all of the recitations of amended Claim 39. Ryu describes a system where a mobile telephone handset 100 can be connected to an external hands free kit 200 via a cable to provide hands free operation of the handset 100, for example, while operating a vehicle. *See* Ryu, Col. 2, lines 39 to 43 and Fig. 1. As illustrated in Figure 2 of Ryu, the mobile phone handset 100 includes a speaker SP1 and a display 30 that is configured to display a received short message. *See also* Ryu, Fig. 4, step 402. The mobile phone handset 100 further includes a control unit 10 that is configured to transmit the short message to a hands free kit 200 through a hands free cable. *See also* Ryu, Fig. 4, step 405. However, nowhere do the cited portions of Ryu disclose or suggest that the mobile telephone handset 100 includes "a speech generating device built into the mobile phone", as recited in Claim 39. Rather, Figure 3 of Ryu illustrates that a speech synthesizer module 150 configured to synthesize speech from a received short message is included *in the hands free kit* 200, not in the mobile telephone handset 100. *See also* Ryu, Fig. 4, step 419.

Thus, Ryu fails to disclose or suggest a mobile phone handset including "a speech generating device built into the mobile phone handset", as recited in amended Claim 39.

Accordingly, Applicants respectfully submit that Claim 39 is patentable over Ryu for at least these reasons.

Independent Claims 1 and 20 Are Patentable Over Freeland and Kirby

The remaining independent claims stand rejected under 35 USC § 103(a) as being obvious over PCT Published International Application Publication No. WO 01/57851 to Freeland et al. (hereinafter "Freeland") in view of Kirby. Claim 1, for example, recites:

1. An apparatus, comprising:
a display configured to display various readable data; and
a control unit configured to extract at least a part of the displayed data and **configured to send the extracted part of the displayed data to a speech generating device** that is configured to generate speech from the extracted part of the displayed data,
wherein the speech generating device is attachable to the apparatus, and **wherein the control unit is configured to send** the extracted part of the displayed data to the speech generating device **at a fixed and/or controllable rate based on user interaction with the display** comprising scrolling and/or voice control input received from a user.

In its rejection of Claim 1, the Office Action concedes that Freeland fails to disclose or suggest that "the speech generating device is attachable to the apparatus" and "the control unit is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/controllable rate based on user interaction with the display". Office Action, page 5. As such, the Office Action relies on Kirby to provide the missing recitations. See Office Action, pages 5-6.

However, Kirby relates to a prompting system that is configured to identify the words spoken by a presenter and control the scrolling of text based on the speed at which the text is spoken, i.e., a method of *displaying text to be spoken* by a speaker. See Kirby, Col. 1, lines 6-7. More particularly, as described in Kirby, "[t]he controller 20 receives...a signal representing the newsreader's speech...the electrical signal representative of the speech is applied to a speech/text matching unit 26, which uses known speech recognition techniques to recognise the words being spoken and match them with the text being displayed...[i]n this way the displayed text keeps in step with the newsreader." Kirby, Col. 2, lines 49 – 62. In

other words, Kirby describes that the controller 20 is configured to control scrolling based on the rate of speech, not converting text into speech based on the rate of scrolling. Indeed, the cited portions of Kirby do not contain any mention of sending displayed data to a speech generating device, as alleged by the Office Action. *See* Office Action, pages 5-6.

Accordingly, nowhere do the cited portions of Kirby disclose or suggest that the controller 20 "is configured to send the extracted part of the displayed data to the speech generating device at a fixed and/or controllable rate based on user interaction with the display", as recited by Claim 1.

Moreover, Applicants submit that Kirby teaches away from the recitations of Claim 1. In particular, Kirby relates to visually displaying text to be spoken, while some embodiments of the present invention provide text-to-speech conversion "for the visually impaired and for users who need to focus on other things while using the phone, for instance car drivers". Specification, Page 4, lines 30-31. In other words, as Kirby is directed to providing text based on speech, Applicants submit that Kirby teaches away from providing speech from text, as described in the present specification and recited in Claim 1.

Accordingly, Applicants submit that the combination of Freeland and Kirby fails to disclose or suggest all of the recitations of Claim 1, and that Claim 1 is patentable for at least the above reasons. Amended Claim 20 includes similar recitations, and is thus patentable for at least similar reasons. Also, dependent Claims 2-7, 9-19, 23-35, and 37 are patentable at least per the patentability of Claims 1 and 20 from which they depend.

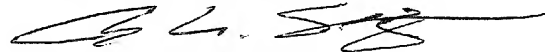
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Conclusion

Accordingly, based on the above amendments and remarks, Applicants submit that the pending claims are now in condition for allowance. Thus, Applicants respectfully request allowance of these claims and passing the application to issue. Applicants encourage the Examiner to contact the undersigned to resolve any remaining issues.

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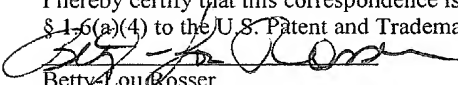
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Betty Lou Ross

Date of Signature: October 3, 2007